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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,495	10/19/2001	Mark Kroll	VT0314-US1	9717

24473 7590 03/15/2004

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EXAMINER

MACHUGA, JOSEPH S

ART UNIT	PAPER NUMBER
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3762

DATE MAILED: 03/15/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/045,495

Applicant(s)

KROLL ET AL.

Examiner

Joseph S. Machuga

Art Unit

3762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3 and 4.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

In the specification, page 15 lines 23 it appears the LA coil electrode 28 should be LA coil electrode 29.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1, 9 and 17 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by KenKnight et al #6266563.

3. KenKnight et al disclose a multi-chamber anti-tachycardia pacing implant. The reference teaches delivering pacing pulses from the left ventricle and then the right ventricle (column 6, second paragraph.) The device also includes sensors from which the pacing pulses would be responsive too.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-6, 8,10-14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over KenKnight et al #6266563 in view of Thompson et al #5902324.

6. KenKnight et al disclose a multi-chamber anti-tachycardia pacing implant. The reference teaches delivering pacing pulses from the left ventricle and then the right ventricle (column 6, second paragraph.) The device also includes sensors from which the pacing pulses would be responsive too. The reference also teaches shorting the electrodes to vary the intensity and direction of the pulse.

7. Thompson et al discloses a multi-chamber pacing system. The device teaches the use of tip and ring type electrodes to sense and pace the heart chambers. The arrangement would obviously provide more accurate data and results over a single electrode system.

8. Given Thompson et al's teaching it would have been obvious to one of ordinary skill in the art to use a tip and ring type sensing/pacing electrode in place of the electrodes in KenKnight et al's system to provide more accurate data and deliver more accurate pulses to the heart tissue. To short the two electrodes would have been obvious to one of ordinary skill in the art given KenKnight et al's teaching that this adds greater control and accuracy to the pulse generated.

9. Claims 2-7 and 10-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over KenKnight et al # 6266563 in view of Hartlaub #6134470.

10. KenKnight et al disclose a multi-chamber anti-tachycardia pacing implant. The reference teaches delivering pacing pulses from the left ventricle and then the right ventricle (column 6, second paragraph.) The device also includes sensors from which the pacing pulses would be responsive too. The reference also teaches shorting the electrodes to vary the intensity and direction of the pulse.

11. Hartlaub discloses a multi-chamber pacing system. The device teaches the use of tip, ring, and coil type electrodes to sense, pace and defibrillate the heart chambers. The arrangement would obviously provide more accurate data and results over a single electrode system and add additional functionality.

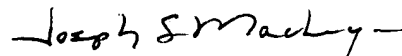
12. Given Hartluab's teaching, it would have been obvious to one of ordinary skill in the art to use a tip, ring and coil type sensing/pacing electrode in place of the electrodes in KenKnight et al's system to provide more accurate data, deliver more accurate pulses to the heart tissue and provide additional functionality to the device. To short the electrodes would have been obvious to one of ordinary skill in the art given KenKnight et al's teaching that this adds greater control and accuracy to the pulse generated.

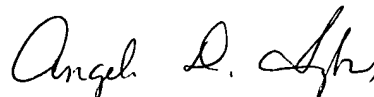
13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph S. Machuga whose telephone number is 703-305-6184. The examiner can normally be reached on Monday-Friday; 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela D Sykes can be reached on 703-308-5181. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Joseph S. Machuga
Examiner
Art Unit 3762



ANGELA D. SYKES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700